

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 FERNANDO D. LOPEZ,

12 Plaintiff,

13 v.

14 WELLS FARGO BANK, N.A.; WELLS  
15 FARGO HOME MORTGAGE; FIRST  
16 AMERICAN TITLE INSURANCE CO.;  
17 US BANK NATIONAL ASSOCIATION,  
18 AS TRUSTEE SUCCESSOR IN  
19 INTEREST TO WACHOBIA BANK,  
20 NATIONAL ASSOCIATION AS  
21 TRUSTEE FOR WELLS FARGO ASSET  
22 SECURITIES CORPORATION,  
23 MORTGAGE PASS THROUGH  
24 CERTIFICATES, SERIES 2005-AR12;  
25 and DOES 1 through 100, inclusive,

Case No.: 16cv811 AJB (DHB)

**ORDER TO SHOW CAUSE RE:  
LACK OF SUBJECT MATTER  
JURISDICTION**

23 Defendants.

26 On April 5, 2016, Plaintiff Fernando D. Lopez (“Plaintiff”) initiated this action  
27 asserting several state law claims against Defendants. (See Doc. No. 1.) Upon review of  
28 Plaintiff’s complaint, the Court cannot ascertain whether federal subject matter

jurisdiction exists over Plaintiff's claims. Because federal courts are courts of limited jurisdiction, *Gould v. Mutual Life Ins. Co. v. New York*, 790 F.2d 769, 774 (9th Cir. 1986), a federal court cannot reach the merits of a dispute until it confirms that it has subject matter jurisdiction. *See Steel Co. v. Citizens for a Better Environ.*, 523 U.S. 83, 93–94, (1998). Accordingly, federal district courts have an independent obligation to address subject matter jurisdiction *sua sponte*. *See Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 593 (2004).

Federal district courts have the power to hear only those cases authorized by the Constitution and Congress, which include those involving diversity of citizenship, a federal question, or those in which the United States is a party. 28 U.S.C. §§ 1331, 1332; *see also Kokkonen v. Guardian Life Ins., Co.*, 511 U.S. 375, 377 (1994). Federal courts are presumptively without jurisdiction over civil actions and the burden of establishing the contrary rests upon the party asserting jurisdiction. *Kokkonen*, 511 U.S. at 377.

Accordingly, Plaintiff has the burden of establishing federal subject matter jurisdiction exists over his claims. Plaintiff is directed to file a brief establishing jurisdiction exists no later than **July 1, 2016**.

**IT IS SO ORDERED.**

Dated: June 17, 2016

Hon. Anthony J. Battaglia  
United States District Judge